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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,380	10/01/2003	Takashi Ishikawa	AKY-0012	4395
23353	7590	06/06/2005	EXAMINER	
RADER FISHMAN & GRAUER PLLC	LION BUILDING		FERGUSON, MICHAEL P	
1233 20TH STREET N.W., SUITE 501			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036				3679

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/674,380	ISHIKAWA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael P. Ferguson	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-4 is/are allowed.
- 6) Claim(s) 5-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2005 has been entered.

### ***Claim Objections***

2. Claims 5 and 7 are objected to because of the following informalities:

Claim 5 (line 15) recites "manufactured by synthetic resin". It should recite --manufactured from synthetic resin--.

Claim 7 (line 6) recites "engaged even". It should recite --engaged even when--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayville et al. (US 6,634,252).

As to claim 5, Mayville et al. disclose a one-touch cap for fixing a control cable end to a plate-like bracket **20** having a U-shaped slot **18** inside of which is provided with a stepped latching part **26** in a detachable manner, the one touch cap comprising:

a tubular body having a cable fixing part for fixing a cable end and an internal cavity extending along a longitudinal axis;

a first flange **31** to be engaged with one surface of the bracket and a second flange **34** to be engaged with another surface, both flanges being provided on the outer surface of the body with an interval between the flanges; and

an elastic piece **46** being provided between the first and second flanges; and having a base portion connected to a bottom of the tubular body below the longitudinal axis, an outer surface provided with an engaging claw **24** disposed above the longitudinal axis to be engaged with the stepped latching part of the bracket, and a free end (end of engaging claw **24**) extending upward above the longitudinal axis with the engaging claw positioned between the base portion and the free end, wherein the tubular body and the elastic piece are integrally manufactured (manufactured as a single unit; elastic piece **46** is coated with the resin and has a resin cross-section;

Figure 6, column 2 lines 55-60) from organic resin (Figures 1-5).

Mayville et al. fail to disclose a one-touch cap wherein the tubular body and the elastic piece are manufactured from synthetic resin.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify a one-touch cap as disclosed by Mayville et al. to have a one-touch cap wherein the tubular body and the elastic piece are manufactured from synthetic resin as such practice is a design consideration within the skill of the art.

As to claim 6, Mayville et al. disclose a one-touch cap comprising:

a guide part **48** provided between the first flange **31** and the second flange **34** and mating with an inside surface of the U-shaped slot **18**,

wherein the guide part is axially shifted from the elastic piece **46** (Figure 4).

As to claim 7, Mayville et al. disclose a one-touch cap wherein:

the bracket has a second stepped latching part **26**;

the elastic piece has a hook block (second member **24**) in addition to the engaging claw (first member **24**);

the hook block is located near the bottom of the elastic piece **46** and is capable of engaging with the second stepped latching part (examiner notes that the orientation of an object is based upon the angle at which it is viewed); and

the hook block and the second latching part remains weakly engaged even when the elastic piece is deformed for release (engaging claw (first member **24**) may be released from stepped latching part **26** without releasing hook block (second member **24**) from second stepped latching part **26**; Figures 1 and 2).

As to claim 8, Mayville et al. disclose a one-touch cap comprising a lock piece **36,42** (locking elastic piece **46** onto the body) detachably inserted between the elastic piece **46** and the body (Figure 6).

***Allowable Subject Matter***

5. Claims 1-4 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 1, Mayville et al. disclose the claimed one-touch cap with the exception of comprising a first flange having a first flange inner surface and a second flange having a second flange inner surface disposed apart from and facing the first flange inner surface, respective ones of the first and second flange inner surfaces engaged in facial contact with respective ones of the first and second outer surfaces of the bracket.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a one-touch cap as disclosed by Mayville et al. to have the above mentioned elements as the prior art neither teaches nor suggests motivation for such modifications.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPF

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05/18/05

*Daniel P Stodola*

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